

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) CRIMINAL NO. 04-10361-NG  
 )  
 JOHN HANDY )

MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE

Defendant, John Handy, moves this Court to amend the conditions of release to allow him to leave Spectrum Health Systems in Westboro, Massachusetts and reside with his daughter, Shartera Carrigan, at 114 Ford St., in Brockton, Massachusetts up until and through his trial now scheduled to begin on December 17, 2007. As grounds for this motion, the defendant through counsel states the following:

1. The defendant is charged by indictment with being a felon in possession of a firearm in violation of 18 U.S.C. 922(g).
2. The Court initially released defendant in August 22, 2006 to his sister Jennis Handy's home at 17 Prospect Ave. in Brockton, and later to his mother's home at 18 Prospect St in Brockton. Ten months later, however, Magistrate Judge Dein revoked defendant's release as the result of several relapse events and his failure to remain at Spectrum's Westboro campus as directed. Defendant remained detained from June 26, 2007 to October 2, 2007.
3. On September 26, 2007, the Court continued trial in the matter to December 17, 2007. At the same time, the Court indicated that it would entertain conditions of release pending the rescheduled trial. On October 2, 2007, the Court released defendant on the condition that he report to Spectrum and not leave without the permission of the Court. The Court, however, also orally indicated that defendant might be able to be released from Spectrum shortly before trial if he demonstrated compliance with the conditions of release.

4. Defendant has complied with the conditions of release and has remained at Spectrum. Case workers have reported participation and a level of enthusiasm on the part of defendant.
5. Trial is now little more than two weeks away. Defendant therefore requests that the Court amend the conditions of release to allow him to live with his daughter in Brockton. This release would satisfy the dual goals of reuniting defendant with his family during what will be a very stressful time and allowing him to participate in the preparation of his defense.
6. Defendant's risk of flight is extremely low; as just one example, defendant voluntarily reported to the courthouse on June 26, 2007 with the certainty that he would be detained.
7. The central - if not sole - risk in release defendant is maintenance of his sobriety. To ensure his sobriety, defendant proposes that he be released on additional conditions that include frequent or constant monitoring, such as daily urinalysis or the use of the sweat patch. Electronic monitoring, although an imperfect tool for sobriety purposes, could be used to further assure sobriety. All other conditions would remain the same.
8. Pretrial Services Officer Judy Oxford has supervised defendant while at Spectrum and is available for consultation concerning this motion.
9. The government opposes this Motion.

JOHN HANDY  
By His Attorney:

/s/ Timothy G. Watkins  
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CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), as well as to U.S. Pretrial Services Officer Judy Oxford by electronic mail, on November 29, 2007.

/s/ Timothy G. Watkins  
Timothy G. Watkins